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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,434	02/22/2002	Dennis J. Bair	3853-011292	9991

7590 03/24/2005

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,434

Applicant(s)

BAIR, DENNIS J.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the amendment filed December 29, 2004.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by \$100,000 Reward: Missing Downtown Eastside Women Poster, <http://web.archive.org/web/20000917034500/http://www.city.vancouver.bc.ca/policel/>. The poster teaches front surface, indicia relating to a missing person printed on the front surface, and first and second signature in the lower left corner of the poster.
3. With respect to claim 1, the applicant is not positively claiming the individual's signature and photograph.
4. With respect to claim 2, 6, the top portion of the poster and left column includes information concerning the \$100,000 reward.

With respect to claim 3, 7, and 11, the poster includes sponsor information such as "British Columbia Attorney General" and Greater Vancouver Crime Stoppers".

With the respect to claim 4 and 5 the poster teaches information related to the missing person comprising a photograph, date born, name, and last date seen.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over \$100,000 Reward: Missing Downtown Eastside Women Poster,

<http://web.archive.org/web/20000917034500/http://www.city.vancouver.bc.ca/polic>
[e/](http://web.archive.org/web/20000917034500/http://www.city.vancouver.bc.ca/polic) in view of Schireck, U. S. Patent 5,306,049.

3. Schireck teaches collecting sports items such programs, posters, and photographs and then obtaining autograph of player or other notable individual such as coach or team owner to which the item relates, wherein the notable sports individual handled the item. (See column 1, line 10-35).

4. Although the reward poster does not teach the step of providing an autograph portion containing a signature and photograph an individual different than the missing person. Since the secondary signature and photograph of an individual different that the missing person does not have an unobvious functional relationship with the card, the examiner contends that it would have been obvious to one having ordinary skill in the art to place any suitable indicia including photographs on the poster as a matter of design. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to obtain the signature of a notable individual associate with the poster as taught by Schireck to enhance the value of the poster.

5. Claims 1-7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Gruchy, U. S. Patent 2,395,804.

6. De Gruchy teaches a record bearing document comprising a card body 10 having a first side adapted to receive writing in the form of a signature (figure 1) and a second side. The first or front of the card has indicia relating to a person comprising a first photograph 11, a second photograph (not labeled), a first area for the placement of a signature of an individual (*John Doe*), and an area for the placement of the address and thumb print of the individual. The card also includes an area for a second signature or autograph of a person giving the company's authorization (*A. S. Boyd*). The signature or autograph of the first person (*John Doe*) is different from the signature or autograph of the second person (*A. S. Boyd*).

With respect to claim 2, 3, 6, 7, and 11, since the area for information or indicia relating to a reward and/or sponsor and the autograph and photograph of an individual does not have an unobvious functional relation with the card, the examiner considers the area for information or indicia relating to the reward and/or sponsor to be a design consideration which has not been given patentable weight. (See *In re Gulack*, 217 USPQ 401). Nevertheless, De Gruchy teaches the name of the company issuing or sponsoring the card.

With respect to claim 4, the card taught by De Gruchy has a photo or picture of John Doe. (See figure 1 and 4).

With respect to claim 5, De Gruchy teaches that the backside of the card can be used for any desired information such as height, weight, age, and detailed description of the individual. (See page 2, lines 3-6).

With respect to claim 9, De Gruchy describes the record-bearing document as card assembly. (See page 1, line 49).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Gruchy in view of Johnson, U. S. Patent 5,983,537. Johnson magnetically supportable card device having a front surface (figure 4) and a rear surface (figure 5) with indicia thereon and a magnet 24 there between. The magnet allows the card to be removably attached to a refrigerator or other metal wallboards. (See column 4, line 37-54) It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the card taught by De Gruchy with a magnet mounted there between as taught by Johnson to provide a means hold the upon a support surface when not in use.

7. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over 1980-81 Topps – Bird, Erving, Johnson trading card;

<http://www.scottsdalecards.com/bg142.jpg> 9/19/04 in view of Schireck, U. S. Patent 5,306,049. The trading card teaches a card having three photographs of sports individuals and information concerning each individual under each photograph. Schireck teaches obtaining autographs of individual depicted on trading cards. It would have been obvious to one having ordinary skill in the art at the time this invention was made to acquire the 1980-81 Topps – Bird, Erving, Johnson trading card and then

subsequently obtains autographs of each individual as taught by Schireck to enhance the value of the card.

Response to Arguments

8. Applicant's arguments filed December 29, 2004 have been fully considered but they are not persuasive.

With respect to the rejection of claim 12, the applicant has amendment the claim to recite "subsequent to providing an autograph portion to the body, providing a handwritten autograph in the area for an autograph of an individual to attract viewers and add intrinsic value to the card. The rejection of claim 12 has a been change to an obviousness rejection over the \$100,000, Reward: Missing Downtown Eastside Women Poster in view of Schireck and Topps trading card in view of Schireck. Schireck clearly teach obtaining an autograph for poster or trading card. The examiner still maintains that the specific indicia printed on the card/poster are design considerations that do not have an unobvious functional relationship with the card. Cards and/or posters have a variety of information printed thereon is old and well known in the art as seen the reward poster or the team poster or trading card taught by Schireck.

The rejection is maintained.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

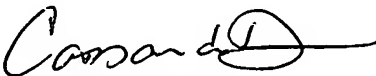
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
March 21, 2005